

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

V.

ANTHONY EUGENE DUTY,

Defendant.

Case No. 1:08CR00024-032

By: James P. Jones
United States District Judge

United States District Judge

For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** that the Motion to Dismiss (ECF No. 2936) is GRANTED; the defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 (ECF No. 2912) is DENIED as meritless; and the § 2255 proceeding is stricken from the active docket of the court.

Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED.

ENTER: July 25, 2013

United States District Judge